

Issued: June 28, 2018

**TOWN PLAN AND ZONING COMMISSION REGULAR MEETING  
MONDAY, JUNE 4, 2018  
LEGISLATIVE CHAMBER, ROOM 314  
TOWN HALL, WEST HARTFORD, CT 06107**

**DRAFT MINUTES**

**ATTENDANCE:** Chair: Kevin Ahern; Vice Chair: Kevin Prestage; Commissioner: John O'Donnell; Alternates: Liz Gillette; Gordon Binkhorst; Staff: Catherine Dorau, Associate Planner

**ABSENT:** Commissioner: Michelle Maresca; Alternate: Andrea Gomes; Todd Dumais, Town Planner

**CALL TO ORDER/ROLL CALL: 7:00 P.M.**

**MATTERS FOR PUBLIC HEARING SHALL BE CALLED AT 7:15 P.M.**

**MINUTES:**

1. Approval of Minutes:
  - a. Minutes of the Regular Meeting, Monday, May 7, 2018  
*Motion/O'Donnell; Second/Gillette; Vote 5-0 (Ahern, Prestage, O'Donnell, Alternates: Binkhorst, Gillette)*

**COMMUNICATIONS:**

2. **56 Hunter Drive-** Application (IWW #1081 & #1082), request to withdraw applications from of David Whitney, P.E. on behalf of Taylor and Paige Scyocurka (R.O.).  
*TPZ accepted withdrawal of application. Motion/Binkhorst; Second/Prestage; (Gillette seated for Maresca) (Binkhorst seated for Vacancy) Vote 5-0.*

**NEW BUSINESS:**

3. **139 North Main Street (aka 137 North Main Street)-** Application (SUP #1327) of the American School for the Deaf (Jeffrey Bravin, Applicant) requesting approval of a Special Use Permit for revisions to an existing playground on the North side of campus. (Submitted for TPZ receipt on June 4, 2018. Suggest required public hearing be scheduled for July 9, 2018.)



**TOWN OF WEST HARTFORD**  
50 SOUTH MAIN STREET  
WEST HARTFORD, CONNECTICUT 06107-2431  
(860) 561-7555 FAX: (860) 561-7504  
[www.westhartfordCT.gov](http://www.westhartfordCT.gov)

*An equal Opportunity/Affirmative Action Employer*

The TPZ acted by **unanimous vote (5 -0)** (*Motion/O'Donnell; Second/Binkhorst*)(*Gillette seated for Maresca*) (*Binkhorst seated for Vacancy*) to schedule this matter for public hearing on **Monday, July 9, 2018 at 7:15 P.M. in the Legislative Chamber, Room 314, West Hartford Town Hall, 50 South Main Street.**

\*\*\*\*\*

#### **OLD BUSINESS:**

4. **54 Old Oak Road-** Application (IWW#1079) of Klaudia Rodrigues (R.O.) requesting approval of an Inland Wetlands and Watercourses Permit to conduct certain regulated activities, which may have an adverse impact on a wetland and watercourse area. The applicant is proposing to deposit approximately 676 c.y. of fill and regrade a portion of the rear yard within an upland review area. The area of disturbance is approximately 95 feet from the regulated area. (Submitted for IWWA receipt on April 2, 2018. Determined to be potentially significant and set for public hearing on May 7, 2018. Item opened and continued to June 4, 2018.)

After a brief review of the application and its related exhibits and after consideration of staff technical comments, the TPZ/IWWA acted by unanimous vote (5-0) (*Motion/Prestage; Second/Binkhorst*) (*Gillette seated for Maresca*) (*Binkhorst seated for Vacancy*) to **CONDITIONALLY APPROVE** the proposed regulated activity and to direct that a wetland permit be issued. During its discussion and deliberation on this matter, the Agency made the following findings:

#### **54 OLD OAK ROAD** **INLAND WETLAND APPLICATION IWW #1079** **COMPLIANCE WITH SECTION 10.2 and 10.4** **STANDARDS AND CRITERIA FOR DECISION**

The request to conduct certain regulated activities at **54 Old Oak Road** in West Hartford, Connecticut pursuant to an Inland Wetland and Watercourse application **IWW #1079** should be approved as the Standards and Criteria for Decision as set forth in the Inland Wetlands and Watercourses Regulations for the Town of West Hartford in Section 10.2 have been favorably met. During its discussions and deliberations on this matter, the agency made the following findings:

- [1.] The environmental impact of the proposed regulated activity on wetlands or watercourses will not be so significant as to warrant the denial of this application.
- [2.] The applicant's purpose for the proposed regulated activity is a valid and useful one which alternatives would cause less or no environmental impact to wetlands or watercourses;
- [3.] The feasible and prudent alternatives to the proposed activity have been analyzed by the applicant and the proposed activity is likely to cause less or no environmental impact to wetlands or watercourses than those alternatives.

[4.] The short-term and long-term impacts of the proposed regulated activity on wetlands or watercourses are not to be so significant as to warrant denial of this application.

[5.] The long term productivity of the wetlands or watercourses will not be damaged by the approval of this application;

[6.] The proposed regulated activity will not cause irreversible and irretrievable loss of wetland or watercourse resources.

[7.] The proposed regulated activity neither threatens nor impacts the safety, health or reasonable use of property; and

[8.] The proposed regulated activity and future activities associated with or reasonably related to, the proposed regulated activities which are made inevitable by the proposed regulated activity will not have significant impacts on wetlands or watercourses outside the area for which the activity is proposed.

In addition, the Agency considered measures, which would mitigate the impact of the proposed activity and may be imposed as conditions of the permit. Such measures include the availability of further technical improvements or safeguards which could feasibly be added to the plan or action to avoid the reduction of or damage to the wetland's or watercourses natural capacity to support desirable biological life, prevent flooding, supply water, control sedimentation and/or prevent erosion, assimilate wastes, facilitate drainage, and provide recreation and open space. The Agency renders its decision to issue this permit on the following considerations and criteria:

- A. That the natural functions and quality of water in local drainage systems both on and off-site shall be preserved and maintained.
- B. That the overall impact of this development on the environment will be kept to a minimum if the conditions imposed by this permit are carried out by the applicant.
- C. There are no reasonable and prudent alternatives which will allow the same activity to be carried out on the proposed site.
- D. During the period when this permit remains in force, the applicant and the Inland Wetland and Watercourses Agency will be working together in good faith to resolve any matters that may arise relative to the environmental impact on the community due to the activities of the applicant.

The Agency hereby authorizes the applicant to conduct a series of regulated activities on a parcel of land which falls under the jurisdiction of the Inland Wetlands and Watercourse Act of the Connecticut General Statutes and the Inland Wetlands and Watercourses Regulations of the Town of West Hartford. Said parcel(s) of land is located **54 Old Oak Road**.

This permit is issued and made subject to the following conditions:

- 1.) Plans of record are incorporated by reference in this permit as fully set forth herein and modified by the conditions below.

- 2.) The wetland permit is subject to full compliance with the Town erosion and sediment requirements and shall be installed and maintained in accordance with the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control as amended.
- 3.) Weekly inspection reports of the sediment and erosion controls shall be submitted to the Town Planner. Additional erosion and sediment control measures shall be implemented and/or installed throughout the course of construction as/if deemed necessary and directed by the Design Engineer and/or West Hartford Town officials.
- 4.) Prior to the start of any site disturbance, all sediment and erosion controls shall be installed.
- 5.) The Applicant shall submit to the Town Planner for review and approval by the Town Engineer a final as-built plan certifying that all improvements were completed in accordance with the approved plan. Such certification shall be made by a registered professional engineer
- 6.) The permit shall expire if not exercised within five (5) years from the date of issuance, or date of final resolution of any legal action challenging this permit. This permit shall not be assigned, transferred, sublet or sold to any other person without written permission of the Agency.

]\*\*\*\*\*

5. **124 LaSalle Road-** Application (SUP #1145-R2-18) of L'ARC Architects, LLC (Hilary Donald) on behalf of 124 LaSalle Road, LLC (R.O.). Max Burger is seeking approval to amend SUP #1145 to increase the outdoor dining seating capacity from 42 to 76 seats. The new outdoor dining area will include umbrellas. (Submitted for TPZ receipt on May 7, 2018. Required public hearing scheduled for June 4, 2018.)

The TPZ acted by **unanimous vote (5 -0) (Motion/O'Donnell; Second/Gillette)(Gillette seated for Maresca) (Binkhorst seated for Vacancy)** to **APPROVE** the Special Use Permit application with conditions. During its discussions and deliberations on this matter, the Commission made the following findings and conditions:

1. The proposal meets the finding requirements of Section 177-42A (5a) of the West Hartford Code of Ordinances. In particular:
  - a. The location and size of the use, the nature and intensity of the operations connected with this use, the size of the lot in relation to it and the location of the lot with respect to streets giving access to it are such that it will be in harmony with the appropriate and orderly development of the district in which it is located.
  - b. The kind, location and height of all structures and the nature and extent of the landscaping on the lot are such that the use will not hinder or discourage the appropriate development and use of adjacent properties.

- c. The parking and loading facilities are adequate and properly located for the proposed use, and the entrance and exit driveways are laid out so as to achieve maximum safety.
2. Pursuant to West Hartford Code of Ordinances Section 177-42A (8), the applicant shall return to the TPZ by June 2020 for further review and evaluation. The TPZ may consider supplemental conditions of approval if operational concerns are identified.
3. All outdoor dining furniture shall be removed at the end of the outdoor dining season.
4. Prior to the initial opening of the outdoor dining area, an inspection by the Planning Division is required to ensure compliance with the approved plan.

\*\*\*\*\*

6. **69 Memorial Road**-Application (SUP #1326) of L'ARC Architects, LLC (Hilary Donald) on behalf of Starwood Retail Partners (R.O.) requesting approval of a Special Use Permit for a twenty-two (22)-seat outdoor dining area at Spot Coffee. The outdoor dining area is located within the Town's Right-of-Way on Isham Road and is subject to review and approval under Section 155-26B of the Town Code by the Director of Public Works. (Submitted for TPZ receipt on May 7, 2018. Required public hearing scheduled for June 4, 2018.)

The TPZ acted by **unanimous vote (5 -0) (Motion/O'Donnell; Second/Gillette)(Gillette seated for Maresca) (Binkhorst seated for Vacancy)** to **APPROVE** the Special Use Permit application with conditions. During its discussions and deliberations on this matter, the Commission made the following findings and conditions:

1. The proposal meets the finding requirements of Section 177-42A (5a) of the West Hartford Code of Ordinances. In particular:
  - a. The location and size of the use, the nature and intensity of the operations connected with this use, the size of the lot in relation to it and the location of the lot with respect to streets giving access to it are such that it will be in harmony with the appropriate and orderly development of the district in which it is located.
  - b. The kind, location and height of all structures and the nature and extent of the landscaping on the lot are such that the use will not hinder or discourage the appropriate development and use of adjacent properties.
  - d. The parking and loading facilities are adequate and properly located for the proposed use, and the entrance and exit driveways are laid out so as to achieve maximum safety.

5. Pursuant to West Hartford Code of Ordinances Section 177-42A (8), the applicant shall return to the TPZ by June 2020 for further review and evaluation. The TPZ may consider supplemental conditions of approval if operational concerns are identified.
6. All outdoor dining furniture shall be removed at the end of the outdoor dining season.
7. Prior to the initial opening of the outdoor dining area, an inspection by the Planning Division is required to ensure compliance with the approved plan.

\*\*\*\*\*

7. **56 Hunter Drive-** Application (IWW #1081) of David Whitney, P.E. on behalf of Taylor and Paige Scyocurka (R.O.) requesting approval of a map amendment to the Official Inland Wetlands and Watercourses Map of the Town of West Hartford. The proposed amendment is based on an onsite soil survey prepared by a professional soil scientist. (Submitted for IWWA receipt on April 2, 2018. Required public hearing scheduled for June 4, 2018. Item withdrawn per applicant's request. *See communication item # 2 request to withdraw application*)  
***TPZ accepted withdrawal of application. Motion/Binkhorst; Second/Prestage; (Gillette seated for Maresca) (Binkhorst seated for Vacancy) Vote 5-0.***

\*\*\*\*\*

8. **56 Hunter Drive-** Application (IWW #1082) of David Whitney, P.E. on behalf of Taylor and Paige Scyocurka (R.O.) requesting approval of an Inland Wetlands and Watercourses Permit to conduct certain regulated activities, which may have an adverse impact on a wetland and watercourse area. The applicant proposes to raze the existing residence, construct a new single-family dwelling and perform associated site improvements, including an in-ground pool all within a Special Flood Hazard Area. (Submitted for IWWA receipt on April 2, 2018. Determined to be potentially significant and scheduled for public hearing on June 4, 2018. Item withdrawn per applicant's request. *See communication item #2 request to withdraw application*)  
***TPZ accepted withdrawal of application. Motion/Binkhorst; Second/Prestage; (Gillette seated for Maresca) (Binkhorst seated for Vacancy) Vote 5-0.***

\*\*\*\*\*

#### **TOWN COUNCIL REFERRALS:**

9. **1340 and 1344 New Britain Avenue, 8-16 Berkshire Road-** Application by 47 Pratt Street, LLC, Owner 1340 & 1344 New Britain Avenue and 8-16 Berkshire Road, requesting a Change of the underlying zone for 1.7 acres at the northeast corner of the intersection of New Britain Avenue and Berkshire Road from R-6 (one-family residence district) to RM-2 (multifamily residence district) and Special Development District designation for a proposed 26 unit multifamily development in 3 buildings to be known as Berkshire West (Town Council Receipt on April 24, 2018 and scheduled for public hearing on June 12, 2018. TPZ receipt on May 7, 2018. Item tabled to TPZ meeting on June 4, 2018.)

After a detailed review of the proposed application and its related exhibits and after consideration of staff technical comments, the TPZ acted by unanimous vote (5-0) (Motion/O'Donnell; Second/Prestage) (Gillette seated for Maresca) (Binkhorst seated for Vacancy) **to RECOMMEND APPROVAL** of the subject application. The Town Plan and Zoning Commission finds that the request is consistent with the Plan of Conservation and Development.

\*\*\*\*\*

**TOWN PLANNER'S REPORT:**

**INFORMATION ITEMS:**

**REMINDER OF FUTURE TPZ REGULAR AND SPECIAL MEETINGS:**

- TPZ Regular Meeting, Monday, July 9, 2018 @ 7:00 P.M.
- TPZ Regular Meeting, Monday, August 6, 2018 @ 7:00 P.M.
- TPZ Regular Meeting, Wednesday, September 5, 2018 @ 7:00 P.M.

**ADJOURNMENT: 9:20 P.M. (*Motion/Gillette; Second/Binkhorst; (Binkhorst seated for Vacancy) (Gillette seated for Maresca); Vote 5-0.*)**

***“Any individual with a disability who needs special assistance to participate in the meeting should contact Suzanne Oslander, Department of Social Services, 860.561.7580, seven days prior to the meeting.”***

U: shareddocs/TPZ/Agenda//2018/June 4 final minutes